

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LAWRENCE G. RUPPERT and
THOMAS A. LARSON,
on behalf of themselves and on behalf
of all others similarly situated,

Plaintiffs,

v.

ALLIANT ENERGY CASH
BALANCE PENSION PLAN,

Defendant.

ORDER

08-cv-127-bbc

Plaintiffs have filed a document titled “Motion to Appoint Subclass A Representative and to Modify Subclass A Definition.” Dkt. #645. With respect to the new class representative, plaintiffs have chosen Shannon Bohannon, who received her lump sum payment on April 1, 2002. In an accompanying affidavit, Bohannon avers that she is willing to serve as a class representative, that she has not assigned her claim to anyone else and that she has not filed for bankruptcy since receiving her distribution. Dkt. #646. Defendant does not object to Bohannon, so I will grant this part of plaintiff’s motion.

I am denying plaintiffs’ motion to change the class definition. Defendant is correct that the scope of the remand from the Court of Appeals for the Seventh Circuit is limited to (1) appointing a new class representative for Class A (made up of persons who are

challenging the projection rate defendant used); and (2) recalculating the benefits payable to members of Class A in light of the court of appeals' holding that the statute of limitations has run for any class members who took their lump sum benefits between 1998 and 2002. The court of appeals did not direct this court to redefine the class and plaintiffs have not made a persuasive argument for doing so.

ORDER

IT IS ORDERED that

1. Plaintiffs' motion to appoint a new representative for Class A, dkt. #645, is GRANTED.

2. Plaintiffs' motion to modify the class definition, dkt. #645, is DENIED.

Entered this 9th day of December, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge